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Attorneys for St. Mark's Mixed Use LLC

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

78-80 ST. MARKS PLACE, LLC,

Debtor.

Chapter 11

Case No. 21-12139 (MG)

-----X

AFFIRMATION OF SERVICE

ROBERT A. ABRAMS, an attorney admitted to practice before this Court, affirms,
pursuant to 28 U.S.C. § 1746, as follows:


I am not a party to this action and am over 18 years of age and reside in the State of New York. Pursuant to Section II(B)(1) of the Procedures for the Filing, Signing and Verification of Documents by Electronic Means for the United States Bankruptcy Court for the Southern District of New York, on May 12, 2022, I served:

- (i) a Notice of Electronic Filing of the Declaration of Jason Leibowitz, dated May 12, 2022, together with the exhibits annexed thereto (ECF No. 53);
and
- (ii) a Notice of Electronic Filing of the Response by St. Mark's Mixed Use LLC to the Debtor's Motion Objecting to Proof of Claim, dated May 12, 2022, together with the exhibit annexed thereto (ECF No. 54)

on the parties who filed a notice pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure at their email addresses set forth on the attached service list.

Pursuant to 28 U.S.C. § 1746, I declare that the foregoing is true and correct.

Dated: New York, New York
May 12, 2022



ROBERT A. ABRAMS

SERVICE LIST

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Attn: Arthur Schwartz, Esq.
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Abrams, Robert A.

From: nysbinfo@nysb.uscourts.gov
Sent: Thursday, May 12, 2022 3:51 PM
To: courtmail@nysb.uscourts.gov
Subject: NEF: 21-12139-mg Ch11 Declaration Re: 78-80 St Marks Place, LLC

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U.S. Bankruptcy Court

Southern District of New York

Notice of Electronic Filing

The following transaction was received from Robert Alan Abrams entered on 5/12/2022 at 3:50 PM and filed on 5/12/2022

Case Name: 78-80 St Marks Place, LLC

Case Number: 21-12139-mg

Document Number: 53

Docket Text:

Declaration of *Jason Leibowitz* (related document(s)[39]) filed by Robert Alan Abrams on behalf of St Mark's Mixed Use LLC. (Attachments: # (1) Exhibit 1 - Status Report and Term Sheet # (2) Exhibit 2 - Local Rule 1007-2 Affidavit # (3) Exhibit 3 - Voluntary Petition # (4) Exhibit 4 - Promissory Note # (5) Exhibit 5 - Mortgage # (6) Exhibit 6 - Assignment of Leases and Rents # (7) Exhibit 7 - Guaranty # (8) Exhibit 8 - Pledge and Security Agreement # (9) Exhibit 9 - Share Certificate # (10) Exhibit 10 - Assignment of Mortgage # (11) Exhibit 11 - Assignment of Assignment of Leases and Rents # (12) Exhibit 12 - Assignment of Loan Documents # (13) Exhibit 13 - Forbearance Agreement # (14) Exhibit 14 - Email dated 9/30/21 # (15) Exhibit 15 - Email dated 10/8/21 # (16) Exhibit 16 - Email dated 10/12/21 # (17) Exhibit 17 - Notice of Disposition # (18) Exhibit Declaration of Lawrence Otway (in State Court) # (19) Exhibit 19 - Consent Order # (20) Exhibit 20 - Statement of Indebtedness # (21) Exhibit 21 - Time Records) (Abrams, Robert)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Leibowitz Declaration.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-0]
[93a470ce5c91e9473ee39c38a8a7766a2991c909c83b5ad69096028075797ed741c5
3b63a3e70405031318dad35e712a8896982dba451b7551c7145ee7a23ae8]]

Document description:Exhibit 1 - Status Report and Term Sheet

Original filename:C:\fakepath\Ex. 1- 2.28.2022 Status Report with Term Sheet.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-1]
[6dbe88c8c2f348abaf7afa7ff657a836165ede9eb6944069a10a9882c3076a85901e

502129bf3b8e9d969c117d94568ab0b008de98b6fa408f29c8c038ec325b]]

Document description:Exhibit 2 - Local Rule 1007-2 Affidavit

Original filename:C:\fakepath\Ex. 2 - No. 2 - Local Rule 1007-2 Affidavit (wout exhibits).pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-2]

[17330e0290b9adebcc18c695722452094acdfd10a318f62413fac4935268916f953a
7cf743fb8f01fe711e6d88f4f8952ab483dfa514a44991c2fc858f35874d]]

Document description:Exhibit 3 - Voluntary Petition

Original filename:C:\fakepath\Ex. 3 - No. 1 - Voluntary Petition.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-3]

[075e16cd0d04da9478249b3e65bb1710416d43b822b63033a9e28b3df2c34a49f58c
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Document description:Exhibit 4 - Promissory Note

Original filename:C:\fakepath\Ex. 4 - Promissory Note w Allonge - 78-80 St. Mark's Place.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-4]

[0e642357d04b4524ae0ed112716cf2782551c750d8344dfe05d784f40be46ca6f9f0
258fd7d4a7f3032e8ee306d451e4384e1d312b1688e4f52b237553170d3e]]

Document description:Exhibit 5 - Mortgage

Original filename:C:\fakepath\Ex. 5 - Mortgage and Security Agreement.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-5]

[55dafcb76a17ba546656dbbaaa3d298dd9e3fb2791f4f2d70ba754b6aa5612d5694e
20ad4bb314d1ad53c287844167e7df51be0293d92850775b3088e0cdf62a]]

Document description:Exhibit 6 - Assignment of Leases and Rents

Original filename:C:\fakepath\Ex. 6 - ALR.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-6]

[38ce0e5c9ba1037b5a0a88879c7ddace6c18c4623bef55d88f1708e6c752aee8fc58
dd3c6647ade16e65991ecdd3fa83921c5b62662d62b65d8bae2fc48b76c6]]

Document description:Exhibit 7 - Guaranty

Original filename:C:\fakepath\Ex. 7 - Guaranty - 78-80 St. Mark's Place.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-7]

[02d9398c82f37a7c66ec6440e759faeb612cc9bfd29efe5e55de80ad1fbcfd4eb526
6d126d02242c726e0a2403d9374f9694b0a76c551c78bcc9e6ac9c21f738]]

Document description:Exhibit 8 - Pledge and Security Agreement

Original filename:C:\fakepath\Ex. 8 - Pledge and Security Agreement - 78-80 St. Mark's Place.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-8]

[83c337a01bbbc6f65bda2afe08f54e2fa3b7e8f71d2d26a60b4dc3bd886faf8a41f0
dfb968d535997517e622bcb8a3635d593b5483c99ae21b551abb05642b43]]

Document description:Exhibit 9 - Share Certificate

Original filename:C:\fakepath\Ex. 9 - Share Certificate - 78-80 St. Mark's Place.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-9]

[913d1863eee85be792d40e506b7723257777a78a242a35e7f7bb19149a83cb9c3055
a0a8e1f4ca858f974c09e1539b20828a2caf6a014ff75bacfa79909d0428]]

Document description:Exhibit 10 - Assignment of Mortgage

Original filename:C:\fakepath\Ex. 10 - Assignment of Mortgage (Recorded).pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-10]
] [ba8afb372005181595ce5d975793ffd2b064d7922df713e5321b37e1d6618a33e1b
d9e8afa3c5c7cfe0327b0a616076af6144071aece2e22064fe16ad7942052]]

Document description:Exhibit 11 - Assignment of Assignment of Leases and Rents

Original filename:C:\fakepath\Ex. 11 - Assignment of ALR (Recorded).pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-11]
] [994757258f8952530404c8f586e6387e004148857d86fdea307e5adc43805f8b72f
e5fe8fdde20e6708ef62b9d10c9bec3f915715b7ab22275a8f320e245c7f9]]

Document description:Exhibit 12 - Assignment of Loan Documents

Original filename:C:\fakepath\Ex. 12 - Assignment of Loan Docs (Omnibus).pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-12]
] [3e2ea20a0f9a48dfeca3cad6119eef25ff94046f16e8e2e044d4058e354ee2eb1ac
d2f539856fca6f24895c806dc6915dfe8a8abd6b839a4ec7a621a8b319d32]]

Document description:Exhibit 13 - Forbearance Agreement

Original filename:C:\fakepath\Ex. 13 - Executed Forbearance Agreement.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-13]
] [7987e210156f3ca74109b8374b24941ba2ff65e3def6ef35cff12e69e00244e06f2
cbc21df9bdf6c24b72a7c9d4098cbf17ec24e36191f836e10a4f09b31eb05]]

Document description:Exhibit 14 - Email dated 9/30/21

Original filename:C:\fakepath\Ex. 14 - Wurtzel Email 9.30.21 - Finally getting this deal done.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-14]
] [35f87a973fbf955c86f2b620832002bfb12bf76beb0c16ddf1a90d5ab6e7302e691
8f99d490f65bda5a1f5134af422431cec6d35bc0fcd06508b00273692aef]]

Document description:Exhibit 15 - Email dated 10/8/21

Original filename:C:\fakepath\Ex. 15 - Wurtzel Email 10.8.21 - 100k short.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-15]
] [473c7b924ae6d091c2218091bd80962d4413941deea09f06def772ed2de132e3926
b4f9d3a1d1a525d390a697b40b5c639b079f628d8f4cf3cc94c94addb1e49]]

Document description:Exhibit 16 - Email dated 10/12/21

Original filename:C:\fakepath\Ex. 16 - Wurtzel Email 10.12.21 - closing adj without date.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-16]
] [1c9eed9ea8e2c71c2c572986bc256b001c91b57db8f9f54a3bc420c9fe36ca7ead
69da9379c16a0eb1558baed6d3f09c42b270d4fa92d021dd018cd1b7da8e5]]

Document description:Exhibit 17 - Notice of Disposition

Original filename:C:\fakepath\Ex. 17 - Notice of Disposition- 9.03.21.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-17]
] [7e726935aead9463a9238bb318e16d2980eef06c671cecbe793edb2da6bcb20e06d
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Document description:Exhibit Declaration of Lawrence Otway (in State Court)

Original filename:C:\fakepath\Ex. 18 - Otway Decl in State Court (11.11.21).pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-18]
] [0ebec1b1dddc165f804b46c7b24f32e04a3db308fc69845e2ed084beb2703193203
aa62c9ce77812d219383030317ab08562b47b2d7aca70d1fde1c7340c5ede]]

Document description:Exhibit 19 - Consent Order

Original filename:C:\fakepath\Ex. 19 - No. 35 Entered Copy of So-Ordered Stipulation of Settlement and Discontinuance of Action.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-19
] [9ed1776b6a25d694708eca4f310d487b071e8118985490639ad156bf429fe537f30
52fe6d97bbef07465a39247ffcfba44401c97ff8e9631772f71121eebe6c2]]

Document description:Exhibit 20 - Statement of Indebtedness

Original filename:C:\fakepath\Ex. 20 - SOI (at 4.1.22) 202200401.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-20
] [a236327632d629eaa17ab57aa007869ef13d15277d6fdffdd3aadd861e7194458e1
4b6ddc5e583eb6dec7a25cb6f0861fb50dbc25059937b800d95a772acc63f]]

Document description:Exhibit 21 - Time Records

Original filename:C:\fakepath\Ex. 21 - Firm's Redacted Time Records.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267154-21
] [988dda31d7f68a9c9494bd6e1c70369248a0b558ff4763bd8cde201d158ea2f2ad9
d38d48a4a5bd61d2f2c0c1a29f94c835e8d872ea795e822b2d3f937404def]]

21-12139-mg Notice will be electronically mailed to:

Robert Alan Abrams on behalf of Creditor St Mark's Mixed Use LLC
rabrams@katskykorins.com

Robert Alan Abrams on behalf of Creditor St. Marks Mixed Use LLC
rabrams@katskykorins.com

Jeffrey K. Cymbler on behalf of Creditor NYS Department of Taxation & Finance
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Andrew R. Gottesman on behalf of Debtor 78-80 St Marks Place, LLC
gottesman@mintzandgold.com, gottesman@mintzandgold.com

Andrew R. Gottesman on behalf of Debtor Lawrence V. Otway
gottesman@mintzandgold.com, gottesman@mintzandgold.com

Howard P. Magaliff on behalf of Creditor Ori Kushnir
hmagaliff@r3mlaw.com, hcolon@r3mlaw.com

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Steven H. Newman on behalf of Creditor St. Marks Mixed Use LLC
snewman@katskykorins.com, snewman@katskykorins.com

Arthur Z. Schwartz on behalf of Debtor Lawrence V. Otway
aschwartz@advocatesny.com

Shannon Anne Scott on behalf of U.S. Trustee United States Trustee
shannon.scott2@usdoj.gov, shannon.scott2@usdoj.gov

United States Trustee

USTPRegion02.NYECF@USDOJ.GOV

21-12139-mg Notice will not be electronically mailed to:

Abrams, Robert A.

From: nysbinfo@nysb.uscourts.gov
Sent: Thursday, May 12, 2022 3:54 PM
To: courtmail@nysb.uscourts.gov
Subject: NEF: 21-12139-mg Ch11 Response to Motion Re: 78-80 St Marks Place, LLC

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U.S. Bankruptcy Court

Southern District of New York

Notice of Electronic Filing

The following transaction was received from Robert Alan Abrams entered on 5/12/2022 at 3:54 PM and filed on 5/12/2022

Case Name: 78-80 St Marks Place, LLC

Case Number: 21-12139-mg

Document Number: 54

Docket Text:

Response to Motion by *Debtor Objecting to Proof of Claim by St. Mark's Mixed Use LLC* (related document(s)[39]) filed by Robert Alan Abrams on behalf of St Mark's Mixed Use LLC. (Attachments: # (1) Exhibit 1 - Proof of Claim) (Abrams, Robert)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:Response to Claim Objection Motion (5.12.22).pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267175-0]
[a23d1a9cad0658bce5f92bfd19703bfef9f89c4bfb576898a547d39e4afb8e275554
7993d2e2c4f597e576f2b35fa679e1f86a41c8c2b25c06d4f6d6bb3a88fa]]

Document description:Exhibit 1 - Proof of Claim

Original filename:C:\fakepath\Response - Ex. 1 - Claim No. 4 - By St. Mark's Mixed Use LLC.pdf

Electronic document Stamp:

[STAMP NYSBStamp_ID=842906028 [Date=5/12/2022] [FileNumber=20267175-1]
[09421b1f8fcc16ad4b2de224e7ae2ddd0f0ebf0ceae0e716c881601e391d985ff4a2
eba20ef7446d0b7746d2b0c18f998c5139177cf41fcef1aedf5a67baaab]]

21-12139-mg Notice will be electronically mailed to:

Robert Alan Abrams on behalf of Creditor St Mark's Mixed Use LLC
rabrams@katskykorins.com

Robert Alan Abrams on behalf of Creditor St. Marks Mixed Use LLC
rabrams@katskykorins.com

Jeffrey K. Cymbler on behalf of Creditor NYS Department of Taxation & Finance
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Andrew R. Gottesman on behalf of Debtor 78-80 St Marks Place, LLC
gottesman@mintzandgold.com, gottesman@mintzandgold.com

Andrew R. Gottesman on behalf of Debtor Lawrence V. Otway
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Steven H. Newman on behalf of Creditor St. Marks Mixed Use LLC
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Arthur Z. Schwartz on behalf of Debtor Lawrence V. Otway
aschwartz@advocatesny.com

Shannon Anne Scott on behalf of U.S. Trustee United States Trustee
shannon.scott2@usdoj.gov, shannon.scott2@usdoj.gov

United States Trustee
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21-12139-mg Notice will not be electronically mailed to: